

Court of Appeals, State of Michigan

ORDER

Lance N. Lemmen v Barbara Lemmen

Docket No. 279832

LC No. 04-048561-DM

Michael R. Smolenski
Presiding Judge

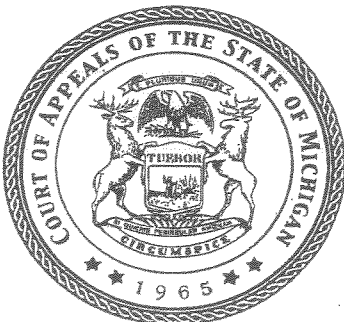
Richard A. Bandstra

Jane E. Markey
Judges

The motion for immediate consideration is GRANTED.

The Court orders that the motion for enforcement of stay of proceedings is GRANTED and VACATES those portions of the trial court's order dated November 19, 2007 that modify child support and that authorize an accounting and additional discovery. This Court's October 29, 2007 order did not delegate this Court's appellate jurisdiction to the trial court, such that it could review its original child support award for error. Rather, the trial court may only modify the support award consistent with the law upon a showing of changed circumstances, retroactively to the date the motion for change was filed by defendant. *Fisher v Fisher*, 276 Mich App 424, 430; 741 NW2d 68 (2007); *Adams v Linderman*, 244 Mich App 178, 187; 624 NW2d 776 (2000). Moreover, because this Court's orders of September 21, 2007 and October 29, 2007 stayed both the enforceability and effect of the divorce judgment, the trial court may not invoke the provisions of the Revised Judicature Act governing proceedings supplemental to judgment, MCL 600.6101 *et seq*, for authority to issue subpoenas, enter injunctions and order an accounting pending appeal.

This order has immediate effect. MCR 7.215(F)(2).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

DEC 26 2007

Date

Sandra Schultz Mengel
Chief Clerk